

Properties, Inc., et al. v. Michael J. Bevenour, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of *Pointe Properties, Inc., et al. versus Michael J. Bevenour, et al.*, is a civil case pending in the Superior Court for the District of Columbia.

This defamation action by a land development company and two of its officers and directors arises out of two 1996 letters prepared and distributed by the defendants, members of a citizens group opposed to the development of certain land in Maryland's Anne Arundel County. A few months prior to mailing these letters, some of the defendants met with Mike Morrill of Senator MIKULSKI's staff to discuss plaintiffs' land-development proposal. Counsel for these defendants have asked Mr. Morrill to testify about that meeting, and Senator MIKULSKI would like Mr. Morrill to be authorized to do so.

This resolution would authorize Senator MIKULSKI's staff to testify and produce relevant documents, with representation from the Senate Legal Counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 239), with its preamble, reads as follows:

S. RES. 239

A Resolution (S. Res. 239) to authorize testimony and document production and representation of Senate employees in *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*:

Whereas, in the case of *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*, No. 96-CA-009720, pending in the Superior Court for the District of Columbia, testimony has been requested from Mike Morrill, an employee on the staff of Senator Barbara A. Mikulski;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mike Morrill, and any other employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Mike Morrill, and any other employee from whom testimony or document production may be required, in connection with *Pointe Properties, Inc., et al. v. Michael J. Bevenour, et al.*

UNANIMOUS-CONSENT AGREE- MENT—NUCLEAR WASTE POLICY ACT

Mr. LOTT. Mr. President, I ask unanimous consent that at 4 p.m. on Tuesday, June 2nd, there be 2 hours of debate equally divided between the opponents and proponents of the nuclear waste legislation. I further ask unanimous consent that the vote occur on the motion to invoke cloture on the motion to proceed to that bill at 6 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 2, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 2d. I further ask that on Tuesday immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions:

Senator HAGEL for 10 minutes; Senator DORGAN for 10 minutes; and Senator AKAKA for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that following morning business the Senate resume consideration of the Durbin amendment, No. 2438, pending to the tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will reconvene at 9:30. There will be 30 minutes of morning business. Following that business, we will return to the consideration of the tobacco legislation with several amendments pending. It is hoped that those amendments can be disposed of in a timely fashion so that the remaining amendments to this important bill may be offered and debated. I do expect at this time that there could be a vote or two on amendments on this bill tomorrow afternoon, although that has not been locked in at this point.

At 4 p.m. we will return to 2 hours of debate equally divided on the nuclear waste bill. Following that, there would be a vote to invoke cloture.

Also, any votes ordered in respect to the tobacco bill will occur in a stacked sequence at that time. That could involve anywhere from one, two, or three votes at the 6 o'clock hour.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under previous order.

There being no objection, the Senate, at 6:23 p.m., adjourned until Tuesday, June 2, 1998, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 1, 1998:

THE JUDICIARY

CHESTER J. STRAUB, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.